

109TH CONGRESS  
1ST SESSION

# H. R. 470

To amend the Help America Vote Act of 2002 to require the software used in the operation of an electronic voting machine to meet certain requirements as a condition of the use of the machine in elections for Federal office, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 2005

Mr. LARSON of Connecticut introduced the following bill; which was referred to the Committee on House Administration

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## A BILL

To amend the Help America Vote Act of 2002 to require the software used in the operation of an electronic voting machine to meet certain requirements as a condition of the use of the machine in elections for Federal office, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Improving Electronic  
5 Voting Standards and Disclosure Act of 2005”.

1 **SEC. 2. REQUIREMENTS FOR SOFTWARE USED IN ELEC-**  
2 **TRONIC VOTING MACHINES IN FEDERAL**  
3 **ELECTIONS.**

4 (a) IN GENERAL.—Section 301(a) of the Help Amer-  
5 ica Vote Act of 2002 (42 U.S.C. 15481(a)) is amended  
6 by adding at the end the following new paragraph:

7 “(7) SPECIFIC REQUIREMENTS FOR SOFTWARE  
8 USED IN ELECTRONIC VOTING MACHINES.—In addi-  
9 tion to any other requirements under this sub-  
10 section, a State or other jurisdiction may not use an  
11 electronic voting system in an election for Federal  
12 office unless—

13 “(A) the manufacturer of the software  
14 used in the operation of the system has pro-  
15 vided the State with an updated copy of the  
16 software used in the operation of the system;

17 “(B) not later than 30 days before the  
18 date of the election (and at least once on the  
19 date of the election) the State tests each type  
20 of voting machine used in the system to ensure  
21 that the software used in the operation of that  
22 type of machine is working correctly; and

23 “(C) the manufacturer of the software  
24 used in the operation of the system has pro-  
25 vided the Commission with updated information  
26 regarding the identification of each individual

1           who participated in the writing of the software,  
 2           including specific information regarding wheth-  
 3           er the individual has ever been convicted of a  
 4           crime involving fraud.”.

5           (b) DEADLINE FOR ADOPTION OF VOLUNTARY GUID-  
 6 ANCE BY COMMISSION.—Section 311(b)(1) of such Act  
 7 (42 U.S.C. 15501(b)(1)) is amended by striking “January  
 8 1, 2004” and inserting “January 1, 2004 (or January 1,  
 9 2006, with respect to subsection (a)(7) of such section)”.

10 **SEC. 3. REQUIRING LABORATORIES TO MEET STANDARDS**  
 11 **PROHIBITING CONFLICTS OF INTEREST AS**  
 12 **CONDITION OF ACCREDITATION FOR TEST-**  
 13 **ING OF VOTING SYSTEM HARDWARE AND**  
 14 **SOFTWARE.**

15           (a) IN GENERAL.—Section 231(b) of the Help Amer-  
 16 ica Vote Act of 2002 (42 U.S.C. 15371(b)) is amended  
 17 by adding at the end the following new paragraph:

18           “(3) PROHIBITING CONFLICTS OF INTEREST.—  
 19           A laboratory may not be accredited by the Commis-  
 20 sion for purposes of this section unless the labora-  
 21 tory meets such standards as the Commission may  
 22 establish to prevent the existence or appearance of  
 23 any conflict of interest in the testing, certification,  
 24 decertification, and recertification carried out by the  
 25 laboratory under this section, including standards to

1 ensure that the laboratory does not have a financial  
 2 interest in the manufacture, sale, and distribution of  
 3 voting system hardware and software, and is suffi-  
 4 ciently independent from other persons with such an  
 5 interest.”.

6 (b) DEADLINE FOR ESTABLISHMENT OF STAND-  
 7 ARDS.—The Election Assistance Commission shall estab-  
 8 lish the standards described in section 231(b)(3) of the  
 9 Help America Vote Act of 2002 (as added by subsection  
 10 (a)) not later than January 1, 2006.

11 **SEC. 4. POSTING OF NOTICE OF AVAILABILITY OF ADMINIS-**  
 12 **TRATIVE COMPLAINT PROCEDURES IN CASE**  
 13 **OF FAILURE OF VOTING MACHINES.**

14 (a) POSTING OF NOTICE.—Section 303(b)(2) of the  
 15 Help America Vote Act of 2002 (42 U.S.C. 15482(b)(2))  
 16 is amended—

17 (1) by redesignating subparagraphs (E) and  
 18 (F) as subparagraphs (F) and (G); and

19 (2) by inserting after subparagraph (D) the fol-  
 20 lowing new subparagraph:

21 “(E) information regarding the availability  
 22 of the administrative complaint procedures for  
 23 individuals who believe that a voting machine or  
 24 other equipment used in the election is not  
 25 working properly or who otherwise believe that

1           a State or jurisdiction is not in compliance with  
2           the requirements of this Act;”.

3           (b) CLARIFICATION OF STANDING REQUIRED FOR  
4 FILING COMPLAINT.—Section 402(a) of such Act (42  
5 U.S.C. 15512(a)) is amended—

6           (1) in paragraph (2)(B), by inserting “(subject  
7           to paragraph (3))” after “any person”; and

8           (2) by adding at the end the following new  
9           paragraph:

10           “(3) CLARIFICATION OF STANDING REQUIRED  
11           FOR FILING COMPLAINT RELATING TO FAILURE OF  
12           VOTING MACHINE OR OTHER EQUIPMENT.—An indi-  
13           vidual may not file a complaint under this subsection  
14           with respect to an allegation that a voting machine  
15           or other equipment used in an election is not work-  
16           ing properly unless the individual is eligible to cast  
17           a vote on or otherwise use the machine or equipment  
18           which is the subject of the complaint.”.

19 **SEC. 5. EFFECTIVE DATE.**

20           Except as otherwise provided, the amendments made  
21 by this Act shall apply with respect to the regularly sched-  
22 uled general election for Federal office in November 2006  
23 and each subsequent election for Federal office.

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